

CHAMBERS PROCEDURES AND PRACTICES

JUDGE JANE A. RESTANI

1. As to procedural matters, counsel should contact the Clerk's Office at 212-264-2030 and not Chambers.

2. See sample letters and forms attached. Note requirements for briefs.

TRADE CASE

December 2002

Re:

Counsel:

Please file the joint status report and proposed briefing schedule required by Rule 56.2 no later than _____ whether the record is filed or not.

If you cannot agree on a schedule or other issues need to be resolved, please schedule a Rule 16 conference for that week. Please note the requirements of Rule 56.2(c) regarding briefing. In addition, permission to exceed 40 pages double spaced for initial briefs or 15 pages for reply briefs must be obtained from the court. Briefs of parties who attempt to evade page limits by reducing margins and spacing, increasing footnoting and reducing type size below 12 point will be rejected.

Please note that all citations supporting statements made in the text must be included in the text of the brief and not placed in separate footnotes. Moreover, all citations to agency determinations published in the Federal Register must be in accordance with Bluebook rule 14.3.1(a). If a party's brief is on WordPerfect, a disk should also be submitted.

The court requests that all briefs and appendices be color coded. The brief(s) and appendix submitted by the government should have a red cover page; those submitted by the respondent before Commerce (whether plaintiff or defendant-intervenor in the case before the court) should have a green cover page; and those submitted by a domestic interested party (whether plaintiff or defendant-intervenor in the case before the court) should have a blue cover page. All parties are requested to submit one appendix, with all public and confidential documents in that same appendix. If a party has already included a document in its appendix, other parties are requested to cite to that party's appendix and not include the document in their own appendix. All exhibits in the appendix should be tabbed.

Please contact my executive assistant, Ms. Jeanne Powers, at (212) 264-3668 when you have chosen a date and time for the conference.

Very truly yours,

Jane A. Restani
JUDGE

NON-TRADE CASE

December 20002

Re:

Counsel:

Please arrange with defendant's counsel for a post-assignment conference with the court. The week of _____ would be convenient for the court. If physical attendance is not possible, attendance by telephone is acceptable.

Prior to the conference, the parties should meet to discuss the matters listed in Rules 16 and 26(f) and should have ready for the court's review a discovery plan and a proposed scheduling order for the conduct of the proceedings.

Please contact my executive assistant, Ms. Jeanne Powers, at (212) 264-3668 when you have chosen a date and time for the conference.

Very truly yours,

Jane A. Restani
JUDGE

cc: []
Department of Justice, Civil Division
International Trade Field Office

UNITED STATES COURT OF INTERNATIONAL TRADE

Plaintiff,	:	Court No.
	:	
	:	
	:	
	:	
v.	:	
	:	
	:	
Defendant.	:	
	:	
	:	
	:	

PRETRIAL ORDER

At a pretrial conference held before HON. JANE A. RESTANI, and attended by counsel, the following matters were discussed and agreed to, and are hereby ordered:

1. General. This pretrial order controls the subsequent course of the action unless the order is modified by consent of the parties and the court, or by order of the court to prevent manifest injustice. The attached schedules are part of this order. Each schedule shall be on a separate sheet or sheets.

2. Parties and Counsel. Schedule A sets forth the names of all parties, the names, addresses and telephone numbers of their respective attorneys and the names of trial counsel for each party.

3. Jurisdiction. Schedule B-1 sets forth the statutes, legal doctrines, and facts upon which plaintiff claims jurisdiction is based. Schedule B-2 indicates which, if any, of these are contested.

4. Uncontested Facts. All uncontested facts are set forth in Schedule C.

5. Plaintiff's contentions of fact are set forth in Schedule D-1.

6. Defendant's contentions of fact are set forth in Schedule D-2.

7. The issues of fact are listed in Schedule E.

8. The issues of law are listed in Schedule F.

9. Witnesses. Schedules G-1, G-2, etc. list for the respective parties the witnesses whose testimony is expected at trial, setting forth for each witness (a) name, (b) address, and (c) a summary of expected testimony, and for expert witnesses, (d) the area of expertise.

10. Deposition Testimony.

Any party proposing to use deposition testimony as evidence shall, at least two weeks prior to the trial date, notify all adversaries of the testimony proposed to be read or submitted. All irrelevant and redundant matter and all unnecessary colloquy of counsel shall be eliminated. Objections to any proposed deposition testimony or to deletions from the deposition testimony shall be made in writing no later than one week prior to trial.

11. Exhibits. Schedules H-1, H-2, etc. list for the respective parties the exhibits to be offered in evidence by that party. Each list shall identify and describe each exhibit. Plaintiff's exhibits shall be identified by numbers, defendant's by letters.

12. Objections to Exhibits. Schedules I-1, I-2, etc. list for the respective parties each adversary's exhibits whose authenticity and admissibility are not admitted. The specific ground for objection to each contested exhibit listed shall be stated.

13. The parties recognize that they will not be allowed to use at trial any exhibits or witnesses not identified in this pretrial order except upon prompt notice to all parties and to the court, and upon a showing of excellent cause.

14. All discovery is complete.

15. Trial will take approximately days and will be
heard at on .

DATED:

New York, New York

Jane A. Restani
Judge

Approved and Consented to:

Attorney for

Attorney for

Attorney for

UNITED STATES COURT OF INTERNATIONAL TRADE

_____	:	
	:	
Plaintiffs,	:	Court No.
	:	
v.	:	
	:	
Defendant.	:	
_____	:	

SCHEDULING ORDER

Upon consideration of the parties' proposed briefing schedule, filed pursuant to Rule 56.2 of the Rules of this Court, it is hereby

ORDERED that:

1. Plaintiffs shall file their motion for judgment on the agency record and initial brief in support thereof on or before _____.

2. Defendant and defendant-intervenors shall file their responses on or before _____.

3. Plaintiffs shall file their reply on or before _____.

4. If material covered by a Judicial Protective Order is contained in any brief, a public version of the brief shall be deemed due on the next business day following the version containing the JPO material has been filed with the Court.

5. Oral argument will be considered upon a motion in accordance with the Rules of this Court.

Jane A. Restani
Judge

Dated:

New York, New York